

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

GADDE et al Atty. Ref.: 1579-904; Confirmation No.

Cont. of Appl. No. 10/440,404 TC/A.U.

Parent Filed: May 19, 2003 Examiner:

For: METHOD FOR TREATING OBESITY

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April 23, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST BY APPLICANTS FOR INTERFERENCE
BETWEEN APPLICATIONS UNDER 37 CFR 1.604

In accordance with 37 CFR 1.604(a), Applicants seek to have an interference declared between the above-identified continuation application (hereinafter "the above application") and Application No. 10/429,474, filed May 2, 2003, which published on February 12, 2004 (20040029941).

Submitted concurrently herewith is a Preliminary Amendment that introduces into the above application claims 18 to 43 which correspond to claims 1-26, respectively of Published Application No. 20040029941.

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Pursuant to 37 CFR 1.604(a)(1) Applicants propose the following count:

A method of reducing weight in an overweight subject, said method comprising: administering to an overweight subject a pharmaceutical composition comprising zonisamide, in an amount effective to reduce weight in said subject, wherein said weight loss is significant and sustained,

or

a method of treating obesity in a mammal comprising administering to a mammal in need of such treatment zonisamide in an amount sufficient to effect said treatment.

Applicants reserve the right to propose additional counts. At least claims 12 and 18 of the above application correspond to the proposed count. Claim 12 is an original claim of the above application and claim 18 corresponds to claim 1 of Published Application No. 20040029941.

Pursuant to 37 CFR 1.604(a)(3), it is submitted that an interference should be declared between the above application and Application No. 10/429,474 as the two applications include claims that define the same or substantially the same patentable invention and the difference between the filing date of the provisional application from which the above application claims priority (Provisional Application No. 60/380,874, filed May 17, 2002) and the provisional application from which Application No. 10/429,474 claims priority (Provisional Application No. 60/378,446, filed May 6, 2002) is only 11 days.

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Respectfully submitted,

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